

Assembly Bill No. 433

CHAPTER 625

An act to amend Section 18901.5 of, and to add Section 18900.1 to, the Welfare and Institutions Code, relating to food stamps.

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 433, Beall. Food Stamp Program: categorical eligibility.

Existing law provides for the Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals.

This bill would require the State Department of Social Services to propose a new name for the Food Stamp Program in California by July 1, 2009, and to convene with a diverse group of stakeholders to develop the new name. The bill would require the new name to reflect one or more designated concepts relating to the operation and significance of the program.

Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under the Food Stamp Program for persons receiving certain cash assistance for indigent persons.

This bill would revise these requirements, to establish categorical eligibility for the Food Stamp Program to improve nutrition and promote the retention and development of assets and resources for specified categories of needy households who meet all other Food Stamp Program eligibility requirements, in accordance with a designated provision of federal law. The bill would require the department to establish the program by July 1, 2009, and to fully implement it as to new food stamp applicants by January 1, 2010. The bill would require the department to implement these provisions through all-county letters or similar instructions from the director, pending the adoption of regulations, as specified.

Because counties administer the Food Stamp Program, this bill would increase county duties by potentially extending the period of eligibility for these programs for certain recipients, and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 18900.1 is added to the Welfare and Institutions Code, to read:

18900.1. (a) The State Department of Social Services shall propose a new name for the Food Stamp Program in California, by July 1, 2009. The department shall convene stakeholders to develop the new name, as provided in subdivision (b). The new name shall reflect one or more of the following concepts:

- (1) That food stamps are no longer delivered by stamps.
- (2) That food stamps support healthy living.
- (3) That food stamps are important to agriculture in California.
- (4) That food stamps would be better viewed as a health and nutrition program than as a welfare program.

(b) The department shall convene a diverse group of stakeholders to develop the new name, including representatives from agencies working to improve health and reduce diet-related illnesses.

(c) The department is encouraged to test the impact the new name would have on improving the perception of the program among low-income residents, and on increasing program participation.

SEC. 2. Section 18901.5 of the Welfare and Institutions Code is amended to read:

18901.5. (a) The department shall establish a program of categorical eligibility for food stamps in accordance with Section 5(a) of the federal Food Stamp Act of 1977 (7 U.S.C. Sec. 2014(a)), and implementing regulations, to improve nutrition and promote the retention and development of assets and resources for needy households who meet all other Food Stamp Program eligibility requirements. Categorical eligibility for food stamps shall also apply to any individual who is a member of a household that will be receiving or is eligible to receive cash assistance under Part 5 (commencing with Section 17000), or eligible to receive food assistance under Chapter 10.1 (commencing with Section 18930).

(b) The director shall implement the program established pursuant to this section only with the appropriate federal authorization and if implementation would not result in the loss of federal financial participation.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 10554 of the Welfare and Institutions Code, until emergency regulations are filed with the Secretary of State, the State Department of Social Services may implement the changes made by subdivision (a) through all-county letters or similar instructions from the director. The department shall adopt emergency regulations as necessary to implement those amendments on or before January 1, 2010. The program established pursuant to this section shall be established on or before July 1, 2009, and shall be fully implemented as to new applicants for food stamps on or before January 1, 2010.

(d) The department shall adopt regulations to implement this section. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for this purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. The emergency regulations shall be exempt from review by the Office of Administrative Law. The department shall adopt final regulations implementing the program authorized by this section on or before July 1, 2010.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.